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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 09-0626 JF
12)
Plaintiff,)
13)
v.) **STIPULATION TO CONTINUE**
14) **HEARING AND EXCLUDE TIME;**
SUNG HO CHOI,) **[PROPOSED] ORDER**
15)
Defendant.)
16 _____)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the Court's approval, the hearing in the above-captioned matter, presently scheduled
19 for Thursday, January 14, 2010 at 9:00 a.m., be continued to Wednesday, January 27, 2010, at
20 9:00 a.m. The continuance is requested because the defense has retained an expert to evaluate
21 the alleged under-reported income, and the defense has prepared an analysis of the government's
22 estimate. The government will require time to review the defendant's analysis.

23 The parties further agree that time should be excluded under the Speedy Trial Act, 18
24 U.S.C. § 3161(h)(7)(A), because the defense requires time for effective preparation and
25 investigation, and the ends of justice outweigh the defendant's and the public's need for a speedy
26 trial.

1 Dated: 1/11/10

/s/
LARA S. VINNARD
Assistant Federal Public Defender

4 Dated: 1/11/10

/s/
TOM MOORE
Assistant United States Attorney

6
7 **[PROPOSED] ORDER**

8 The parties have jointly requested a continuance of the hearing set for Thursday, January
9 14, 2010, to allow time for the parties to complete investigation and preparation.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for Thursday, January 14, 2009, be continued to Wednesday, January 27, 2010, at
12 9:00 a.m.

13 Pursuant to the parties' stipulation, and based on the parties' ongoing evaluation of the
14 evidence, the Court finds that the ends of justice served by the granting of the continuance
15 outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, IT IS
16 FURTHER ORDERED that the period of time from January 14, 2010 to January 27, 2010, shall
17 be excluded from the period of time within which trial must commence under the Speedy Trial
18 Act, 18 U.S.C. § 3161(h)(7)(A).

19 Dated: 1/14/10


JEREMY FOGEL
United States District Judge